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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,414	07/19/2002	Christophe Korn	KORN3001/JEK	8057
23364	7590	08/16/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			COLEMAN, WILLIAM D	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,414

Applicant(s)

KORN ET AL.

Examiner

W. David Coleman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 26-34 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

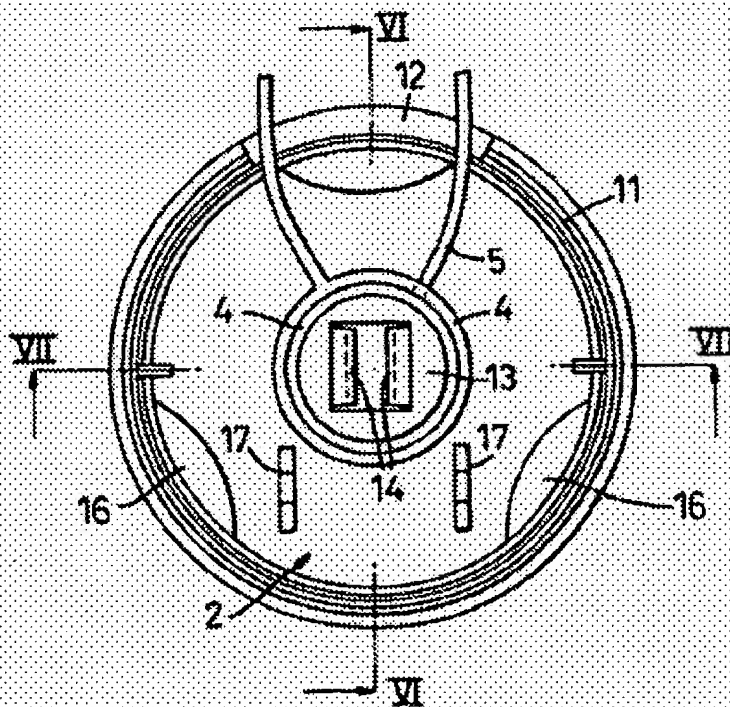
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell, International Patent Publication No. WO 97/381193.

(54) Title: IMPROVEMENTS RELATING TO SECURITY CONTAINERS

(57) Abstract

A security container has two dish-shaped parts (1, 2) that can be closed together rim (6) to rim (11), irreversibly engaging and making inaccessible a snap fitting (7, 13) within the container. A strap (3) with loops (4) in its ends has those loops placed over part of the snap fitting (13) before closure, leaving its hight (5) outside. The strap (3) is thus made captive when the container is closed. The strap (3) passes through an aperture formed by cutouts (10, 12) in the rims (6, 11).



3. Mitchell discloses a semiconductor system as claimed. See FIGS. 1-7, where Mitchell teaches the claimed system.

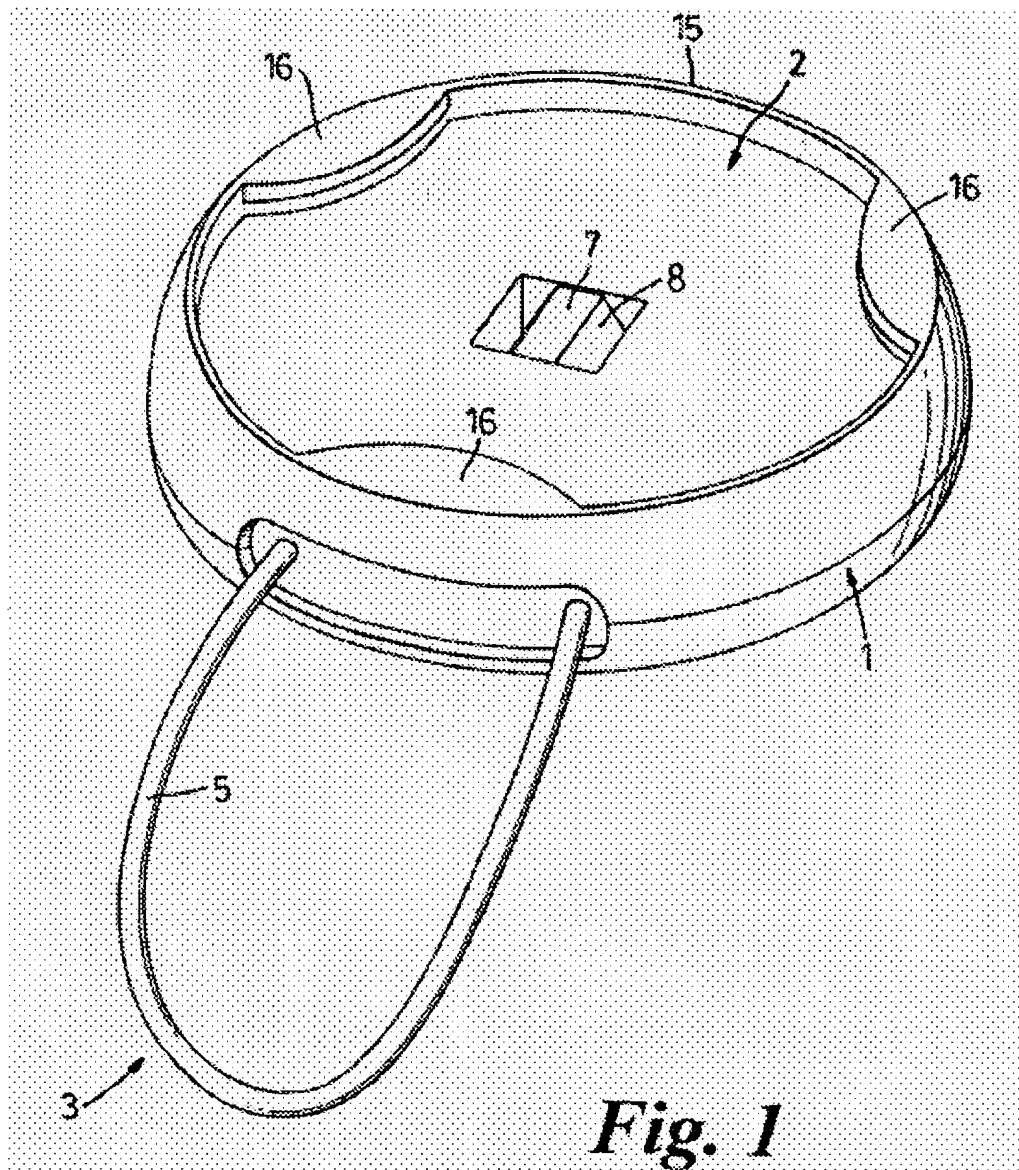
4. Pertaining to claim 1, Mitchell teaches a system for sealing, comprising:

a first capsule 1;

a second capsule 2;

electronic means, for placing in at least one of the capsules, and capable of containing an electronic identity that is remotely interrogatable (see page 1, first paragraph); and

closure means, to seal the two capsules together, comprising at least a male portion situated at the periphery of one of the capsules, and at least a female portion situated at the periphery of the other capsule, the two portions snap-fastening together.



5. Pertaining to claim 2, Mitchell teaches a system according to claim 1, the capsules being provided with indicators to indicate breakage or deformation (page 1, first paragraph, last sentence).

6. Pertaining to claim 3, Mitchell teaches a system according to claim 1, said male portion and female portion, co-operating in such a manner as to form an assembly that can be opened only by force (as described in the above rejections of claims 1 and 2).

7. Pertaining to claim 4, Mitchell teaches a system according to claim 1, the closure means including at least one tenon and mortise assembly (see **FIG. 1**).

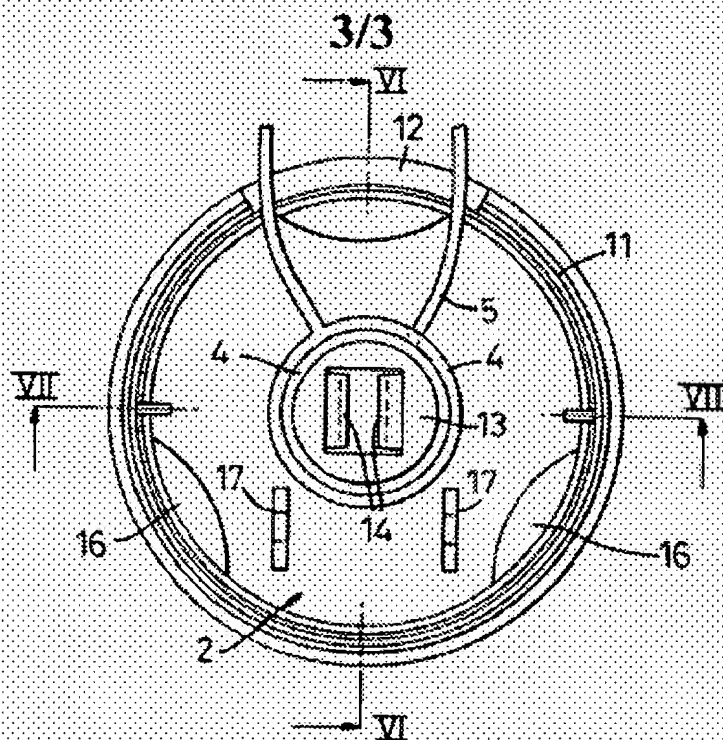


Fig. 5

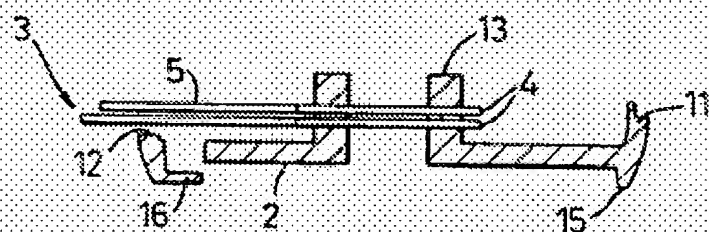


Fig. 6

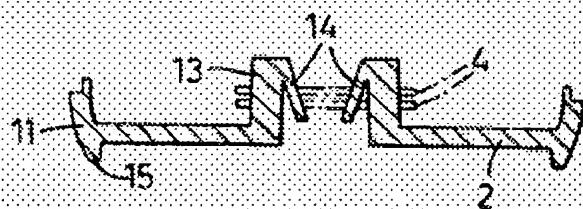


Fig 7

8. Pertaining to claim 5, Mitchell teaches a system according to claim 1, the two capsules are being substantially cylindrical in shape, one of the capsules having a rib which co-operates with a groove formed in an inside surface of the other capsule.

9. Pertaining to claim 6, Mitchell teaches a system according to claim 1, the closure means of the two capsules defining a single closure position.

10. Pertaining to claim 7, Mitchell teaches a system according to claim 6, the closure means being separated around the two capsules and defining angles between one another, at least two of the angles being different (The Examiner takes the position that the mortise and tenon have different angles).

11. Pertaining to 8, Mitchell teaches a system according to claim 1, the electronic means being passive electronic means (i.e., physical access is never required, page 1, second sentence).

12. Pertaining to claim 9, Mitchell teaches a system according to claim 1, the electronic means being programmable electronic means (please note that the Examiner takes the position that selectively wiring MOSFETS will inherently program the electronic device).

13. Pertaining to claim 10, Mitchell teaches a system according to claim 1, the electronic means comprising at least one electronic transponder capable of being encoded digitally.

14. Pertaining to claim 11, Mitchell teaches a system according to claim 10, including two passive electronic transponders capable of being encoded digitally.

15. Pertaining to claim 12, Mitchell teaches a system according to claim 1, the electronic means including one or more wires suitable for being broken by the system being opened after the system has once been closed (since the electronic device sits very near to the mortise and tenon connection, this device having wiring will be damage if opened).

16. Pertaining to claim 13, Mitchell teaches a system according to claim 1, further comprising means enabling the system to be fixed to an external device.

17. Pertaining to claim 14, Mitchell teaches a system according to claim 13, further comprising means for fixing it to an external device.

18. Pertaining to claim 15, Mitchell teaches a system according to claim 1, including at least one opening for passing a cord and cord-locking means for locking the cord inside the system once it has been inserted therein and the system has been sealed.

19. Pertaining to claim 16, Mitchell teaches a system according to claim 15, the cord-locking means comprising at least one rib formed in one of the capsules (one of the tenons is a rib).

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20. Pertaining to claim 17, Mitchell teaches a system according to claim 1, one of the capsules including first and second orifices for inserting a cord, the other capsule including first and second ribs which press against the cord when the two capsules are sealed together.

21. Pertaining to claim 18, Mitchell teaches a system according to claim 17, the first and second ribs defining a groove for receiving electronic means suitable for containing an electronic identity and suitable for being interrogated remotely.

22. Pertaining to claim 19, Mitchell teaches a system according to claim 1, including first and second cord-insertion orifices and first and second internal ribs which press against the cord when the capsules are sealed together.

23. Pertaining to claim 21, Mitchell teaches a system according to claim 1, the capsules being made of a material that presents plastic deformation characteristics.

24. Pertaining to claim 23, Mitchell teaches a seal system comprising a first capsule and a second capsule, and electronic means disposed in at least one of the capsules, the electronic means containing an electronic identity and being suitable for being interrogated from outside the seal system, the two capsules being sealed together by means of at least a male portion situated at the periphery of one of the capsules, and at least a female portion situated at the periphery of the other capsule, the two portions snap-fastening together.

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25. Pertaining to claim 24, Mitchell teaches a seal system according to claim 23, the electronic means comprising at least one passive electronic transponder.

26. Pertaining to claim 27, Mitchell teaches a seal system according to claim 23, the system including first and second orifices for passing a cord.

27. Pertaining to claim 28, Mitchell teaches a seal system according to claim 23, further comprising a cord for fixing the seal system.

28. Pertaining to claim 29, Mitchell teaches a seal system according to claim 28, the cord being locked in a system of without using a knot (please note that a loop through a loop is a slip-knot).

29. Pertaining to claim 30, Mitchell teaches a system according to claim 28, the cord being locked in the seal system between a wall of one of the capsules and a rib or a shoulder of a rib formed in the other capsule.

30. Pertaining to claim 31, Mitchell teaches a method of inspecting a seal system according to claim 23 in which a reader device is brought up to the seal, a wave is sent to the system, and a wave transmitted by the system is received, which wave contains information concerning the electronic identity.

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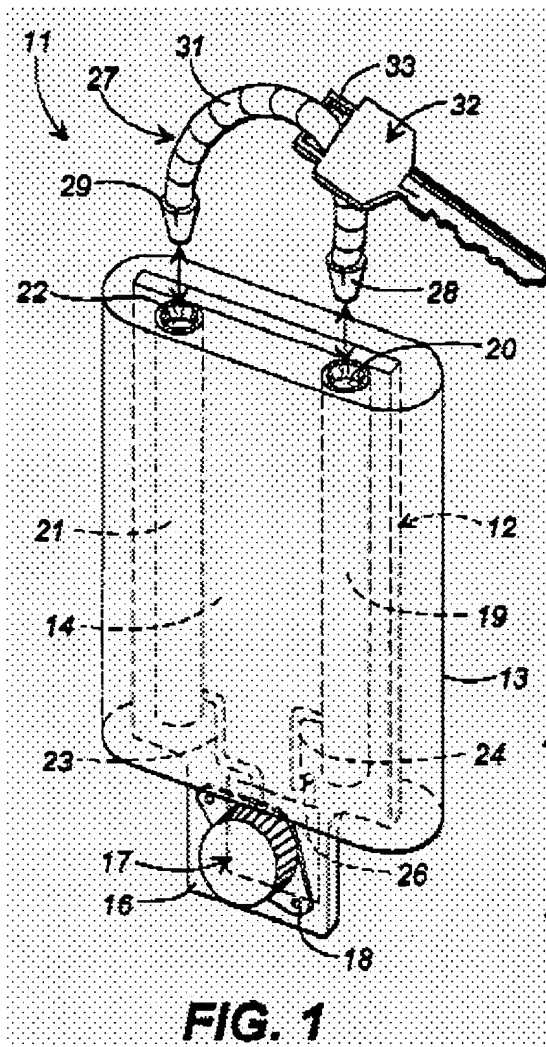
31. Pertaining to claim 34, Mitchell teaches a method according to claim 31, the seal system being attached to a container containing nuclear material, or electrical material, or foodstuff (because Mitchell discloses that it can be secured to which the electronic device relates, this limitation is met, see page 1, lines 11-14).

Claim Rejections - 35 USC § 103

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. Claims 20, 22, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Patent Application Publication WO 97/38193 as applied to claims 1-19, 21,23, 24, 27-31 and 34 above, and further in view of Maloney, U.S. Patent 6,262,664 B1.



34. Mitchell discloses a semiconductor system substantially as claimed. However, Mitchell fails to disclose the following limitations.

35. Pertaining to claim 20, Mitchell fails to teach a system according to claim 1, the capsules being made of plastics material. Maloney teaches that the semiconductor system can be made of plastic. In view of Malone, it would have been obvious to one of ordinary skill in the art to incorporate plastic into the Mitchell semiconductor system because the encased internal components can be plastic (column 4, lines 65-66).

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36. Pertaining to claim 22, Mitchell fails to teach a system according to claim 21, the material comprising at least 25% ABS. Maloney teaches a case made of plastic. In view of Maloney, it would have been obvious to one of ordinary skill in the art to incorporate the limitations of Maloney into the Mitchell semiconductor system because the incased internal components can be plastic (column 4, lines 65-66).

37. Pertaining to claim 32, Mitchell fails to teach a method according to claim 31, the reader device including a storage means, and means for manually inputting data. Maloney teaches a means for manually inputting data. In view of Maloney, it would have been obvious to one of ordinary skill in the art to incorporate the limitations of Maloney of manually inputting data into the Mitchell semiconductor system because it requires an authorized user such as a sales person to enter an ID code to unlock and access the storage drawer (column 2 lines 12-18).

38. Pertaining to claim 33, Mitchell fails to teach a method according to claim 31, the data concerning the electronic identity information being transferred to a computer. Maloney teaches the data concerning the electronic identity information being transferred to a computer. In view of Maloney, it would have been obvious to one of ordinary skill in the art to incorporate the limitations of Maloney into the Mitchell semiconductor system because a computer or microprocessor is electronically coupled through a communication matrix (column 1, lines 64-68).

Objections

39. Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. David Coleman whose telephone number is 571-272-1856. The examiner can normally be reached on 9:00 AM-5:00 PM.

41. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

42. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



W. David Coleman
Primary Examiner
Art Unit 2823

WDC